



Appeal Decision

Site visit made on 5 January 2022

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th January 2022

Appeal Ref: APP/C1950/W/21/3275471

72 Aldykes, Hatfield AL10 8EF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr R. Norwood against the decision of Welwyn Hatfield Council.
 - The application Ref 6/2021/0504/FULL, dated 15 February 2021, was refused by notice dated 14 April 2021.
 - The development proposed is Conversion of HMO dwelling to two apartments, including single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue relevant to this appeal is whether the development would provide appropriate living conditions for the future occupiers of the development, with particular reference to the provision of gardens and internal space.

Reasons

3. The appeal site consists of an existing building in use as a house in multiple occupation, with a garden to the rear. The surrounding area contains a number of dwellings constructed to different designs. The vicinity of the appeal site contains various areas of grassland.
4. The proposed development would result in the conversion of the existing building to two flats. By reasons of this layout, occupiers of the first-floor flat would not have access to the rear garden of the property. In consequence, residents of this dwelling would not have access to on-site outdoors recreation. This would prevent the occupiers of the dwelling from experiencing appropriate living conditions.
5. In particular, this arrangement would diminish the ability of future residents from undertaking outdoors recreation, including play. In addition, the lack of garden space would also reduce opportunities for future occupiers from matters such as the storing of household waste or undertaking domestic tasks such as the drying of washing.
6. I acknowledge that I have not been directed towards any adopted planning policies that seek to provide a minimum amount of garden space. However, I have been directed towards planning policies that seek to provide appropriate

living conditions for the future occupiers of the development. For the foregoing reasons, these would be breached.

7. The proposed development would be near to various small open spaces in the surrounding area. Whilst these spaces could be used for some recreation, they would not be of a suitable size to undertake the full range of activities as they could potentially be used for other residents in the surrounding area. In addition, they would not have the same level of privacy as a garden. In consequence, the presence of these spaces does not outweigh my previous concerns.
8. My attention has been drawn to a development elsewhere. I do not have the full information regarding the planning circumstances of this, which lessens the weight that I can attribute to it. However, the existing development is significantly closer to a large area of open space. Whilst this is not formally laid out, it could be utilised for an array of different activities.
9. In contrast, the appeal site would be located further away from this area of open space. This lack of convenience means that the presence of open space elsewhere does not overcome the harm arising from the lack of private recreation space for all occupiers of the proposed development. Therefore, the presence of a previously approved development elsewhere does not overcome my previous concerns.
10. The proposed development would not comply with the Nationally Described Space Standards (NDSS). However, the degree of the shortfall would be relatively small and given that I have not been directed towards any adopted planning policy that seeks to ensure that developments are carried out in accordance with the NDSS, this does not cause significant concerns.
11. This is because owing to the layout of the proposed flats, future occupiers would have sufficient space to manoeuvre and store normal household items. In consequence, I do not believe that the layout of the development would prevent appropriate living conditions from being secured.
12. Whilst the storage space associated with the first-floor dwelling are located near to the entrance on the ground-floor, this would not be unduly inconvenient and therefore would not prevent appropriate living conditions from being secured.
13. I note that an emerging planning policy seeks to ensure that new developments are carried out in accordance with the NDSS. However, the evidence before me indicates that this policy is currently the subject of unresolved objections. In consequence and given that this does not form part of the adopted Development Plan, I am unable to give this matter a significant amount of weight.
14. Whilst the proposed dwellings would be of an appropriate size, this does not outweigh my concerns arising from the lack of access to appropriate outdoors recreation space for all future occupiers.
15. I have noted references to an emerging new local plan. However, there appears to be some unresolved objections in the respect of this plan. Furthermore, I do not have certainty as to when this plan might be adopted. In consequence, I am unable to give this emerging plan full weight in my considerations.

16. I therefore conclude that the proposed development would not provide appropriate living conditions for all the future occupiers. The development, in this regard, would conflict with Policies D1 and H4 of the Welwyn Hatfield District Plan (2005); and the Supplementary Design Guidance (2005). Amongst other matters, these seek to ensure that developments provide adequate amenity space; be of a high standard of design; and incorporate private open space for the use of residents.

Other Matters

17. The evidence before me indicates that the Council cannot currently demonstrate a five-year housing supply. In consequence, the provisions of Paragraph 11(d) of the National Planning Policy Framework (the Framework) are invoked. This states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.
18. In this instance, the benefits are limited given that the proposal would create two flats that would replace an existing house in multiple occupation. Any economic benefits arising from the implementation and occupation of the proposed development are likely to be small-scale, localised in effect and, in some instances of a time-limited duration. Therefore, I give the benefits associated with the proposed development a limited amount of weight.
19. Furthermore, there would be significant harm arising from the lack of appropriate garden space for all occupiers of the proposed development. Therefore, the adverse effects arising from the proposed development would significantly, and demonstrably, outweigh the benefits.

Conclusion

20. The proposed development would not provide appropriate living conditions for the future occupiers of the development. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR